

TYRONE P. JAMES V. YORK COUNTY POLICE DEPARTMENT, ET. AL.,

CASE ACTION NO. 01:01-CV-1015

EXHIBIT "5"

1 there.

2 A. Yeah.

3 Q. I wasn't sure.

4 A. Okay.

5 Q. Okay.

6 A. All right.

7 Q. Now, we've got Morgan, Westmoreland,
8 Peddicord, you say, he was in on the
9 handcuffing, he handcuffed you.

10 A. And one thing, it was Mr. Kessler's
11 handwriting on the package.

12 Q. Okay. Right. Now, that's another claim.
13 I'm just going on the excessive force claim
14 right now.

15 A. Yeah.

16 Q. On the excessive force claim, Peddicord,
17 you have him handcuffing you. Now, was he
18 putting his boots on you, or how did Peddicord,
19 you know, how was he using excessive force?

20 A. He has his boots on me, the next thing I
21 know, he has my wallet in his hands going
22 through it.

23 Q. Okay.

24 A. You know.

25 Q. And then again, that goes to your search

1 claim, not necessarily excessive force claim.

2 A. Yeah. But he was there, and for the
3 record, he participated.

4 Q. In the excessive force?

5 A. Yeah.

6 Q. Tell me specifically how, other than his
7 boots were on you?

8 A. He was part of the ones attacking me, too.

9 Q. Okay. So tackling we have Morgan,
10 Westmoreland, Craul, and Peddicord was in on
11 the tackling also?

12 A. Yes. And what's his name was driving the
13 van. What's his name?

14 Q. Morgan?

15 A. Gowlezewski or something?

16 Q. Oh, Glowczewski.

17 A. Glowczewski.

18 Q. Okay. Now, Glowczewski was involved
19 because he was driving the van? Okay.

20 A. I have severe back injuries from that,
21 too.

22 Q. Okay. So to go over this one more time,
23 you have Glowczewski because he was driving the
24 van, for the cuffing --- you have for the
25 tackling cuff, if you will, you have Morgan,

1 Westmoreland, Craul, and Peddicord?

2 A. Yeah. I wasn't putting up a fight, he
3 was.

4 Q. And for the excessive force claim, Fells
5 and Kessler, you've named them because they
6 were there, not Fells.

7 A. I mean, Kessler was part of the arrest
8 team, but I can't remember if he was --- you
9 know, if he had his foot on me, you know.
10 Look, the only thing I remember is that he gave
11 me my glasses.

12 Q. Right. He handed you your glasses. Okay.

13 A. I guess that's --- he take a part in
14 getting me secure and picked my glasses up.

15 Q. At any time, did these officers, after you
16 were handcuffed, you said they had their boots.
17 Did they hit you, did they smash you to the
18 ground, did they ---?

19 A. No.

20 Q. Okay.

21 A. There was other federal agents there that
22 ---?

23 Q. Well, you didn't name them as Defendants.

24 A. I don't know their names.

25 Q. And I wouldn't represent them anyhow.

1 A. I don't know their name. I don't know
2 nothing.

3 Q. Okay. Did these unknown federal agents,
4 did they take part, did they tackle you as
5 well, or ---?

6 A. I don't --- I remember one time somebody
7 telling me that after Mr. Morgan presented me
8 in the van, he told me that I don't have to say
9 anything to Mr. Morgan, 'cause Mr. Morgan
10 presented himself.

11 Q. What was in the package?

12 A. I blurted out, I said from my
13 understanding, you know, I don't know what was
14 in the package. So one of the federal agents
15 that was there, told me that I don't have to
16 say nothing to Mr. Morgan.

17 Q. Okay. Now, I do have a question, and I'm
18 sorry I'm jumping around just a bit. At your
19 criminal trial for this, did you raise, or did
20 your attorney raise a defense at all? Any of
21 the things you've raised here, the Fourth
22 Amendment, the Fifth Amendment, we know Miranda
23 Rights, illegal search and seizure. Did your
24 attorney bring any of that up at the criminal
25 trial at all, at your criminal trial?

1 A. Objection.

2 Q. Okay. That's fine.

3 A. I don't remember.

4 Q. You don't remember if they brought it up?

5 You sat through the whole trial, and you don't
6 remember at all?

7 A. Maybe --- I'm not familiar. This is the
8 first time I'm in trial. I've never been to a
9 trial before, you know.

10 Q. But you were convicted three other times.

11 A. Yes, but, you know, every time I was, you
12 know, I was, you know.

13 Q. Right. You don't remember your attorney
14 ever bringing it up at all?

15 A. I think he did a suppression motion.

16 Q. Right. That's how it happens at a
17 criminal trial.

18 A. He did a suppression motion.

19 Q. Okay. Was he successful?

20 A. No, he wasn't.

21 Q. Okay. And again, that would be for ---
22 that's fine.

23 A. Yeah.

24 Q. And that would be for the Fourth Amendment
25 and the Fifth Amendment.

1 A. Right.

2 Q. Pretty much your claims --- not the
3 excessive force, that's different. I don't
4 know that that wouldn't be raised at trial, but
5 your other claims probably would've been raised
6 at trial.

7 A. As for my objection, I just want to --- I
8 don't remember every --- I know he did a
9 suppression motion and he was not successful.

10 Q. Okay. Do you have any witnesses as to the
11 excessive force claim that you're aware of?
12 Any people who may have seen ---?

13 A. Well, Mrs. McCoy, she witnessed the
14 suppression, not the excessive force. She said
15 she saw ---.

16 Q. Who's she?

17 A. The Mail Boxes Etc. clerk.

18 Q. She works at Mail Boxes Etc.?

19 A. Yes, she was the one that they inside put
20 the mail --- put the mailbox, makeshift box in
21 my mailbox that day. And ---.

22 Q. And she saw the whole arrest happen?

23 A. Yes, she saw it. She saw it. And for my -
24 -- for the record, there was not no search
25 warrant.

1 Q. How do you know that Mrs. McCoy saw the
2 excessive force arrest?

3 A. She testified at my trial.

4 Q. Oh, she testified at your trial?

5 A. Yeah. There was no search warrant.

6 Q. Right. We'll get to that. But let's talk
7 about the excessive force now. So Mrs. McCoy,
8 you remember her testifying in your trial?

9 A. Yes.

10 Q. And was she your witness or was she a
11 Prosecution witness?

12 A. Prosecution witness.

13 Q. Did she talk about the excessive force
14 assault in the trial? Do you remember?

15 A. No. The arrest she just said she saw
16 plain clothed men running towards me.

17 Q. Okay. So after you're down on the ground,
18 you're handcuffed, and people had their boots
19 on you, you know, what do you do --- what
20 happens after that? Are you put in the van, or
21 are you --- what happens after that?

22 A. I was lifted off the floor.

23 Q. Okay.

24 A. And I'm going to the van. I was going
25 into the van there. Mr. Morgan, Defendant

1 Morgan ---

2 Q. Right.

3 A. --- said, what was in the package. I
4 said, I don't know, you know. He never read me
5 no Miranda Rights or nothing, just what was in
6 the package.

7 Q. Were you ever read your Miranda Rights at
8 all?

9 A. Objection, but I don't remember what was
10 being read. My Miranda Rights in the van
11 wasn't ---.

12 Q. Were you given your Miranda Rights at all,
13 even after the van, at any time, anyone give
14 you Miranda rights when you were in jail, I
15 mean, up until now. I mean, when did you ever
16 hear anyone read your Miranda Rights?

17 A. I'm going to object to that.

18 Q. Okay.

19 A. And I do not recall.

20 Q. You don't recall if you were read your
21 Miranda Rights or not?

22 A. No.

23 Q. Okay. What happens after you're in the
24 van?

25 A. I was escorted to York County Police

1 Department.

2 Q. Okay. You went to York County PD??

3 A. Yes.

4 Q. And what happened when you got to York
5 County PD?

6 A. I was placed on a bench beside a girl, I
7 don't know who she was. She was making a phone
8 call and came in at the time Mr. Craul and
9 Peddicord were over there going through my
10 rights.

11 Q. Were you in a jail cell?

12 A. No, I wasn't in a jail. I was placed
13 beside another suspect.

14 Q. Okay. So you were just on the bench then?

15 A. Yes. She was using the phone.

16 Q. Okay.

17 A. I said, can I use the phone to make a
18 phone call to call my attorney. And they
19 ignored me.

20 Q. Okay.

21 A. And at that time, Mr. Morgan came in.

22 Q. Okay. So that happened as soon as you got
23 to the police station after you were brought
24 out of the van?

25 A. Yes.

1 Q. Okay. And what happened after that? Just
2 walk me through it.

3 A. I think Mr. Morgan --- I'm going to
4 object.

5 Q. Okay.

6 A. This is part of my --- I testified at my
7 trial.

8 Q. Okay.

9 A. I think he went to some other room where
10 other guys were walking in and out. That was
11 one of the same federal agents, and, yeah, I
12 think he asked one of them if they wanted the
13 case and the guy said, I don't want this case.
14 That's when he started asking me questions.

15 Q. Who did?

16 A. Morgan.

17 Q. Morgan started asking you questions?

18 A. Yeah.

19 Q. Did you answer his questions?

20 A. No, I did not.

21 Q. You didn't answer any of Morgan's
22 questions?

23 A. No.

24 Q. Okay. And how long were you at the police
25 station, a ballpark time, if you remember?

1 A. I was arrested about 10:30 and I was there
2 probably until about 6:30 or something.

3 Q. Okay.

4 A. I'm not sure.

5 Q. That's 10:30 a.m.; right?

6 A. 10:30 a.m. 'til about 6:00 p.m. or 6:30
7 p.m. Something like that. 6:30 p.m., quarter
8 to 7:00. It was dark then when I walked out.

9 Q. And what happened then at quarter to 7:00?

10 A. Do you know, at that time I asked --- you
11 know, Mr. Morgan came up to me as they was
12 searching my mail.

13 Q. Right.

14 A. And my wallet.

15 Q. Okay.

16 A. And he came to the mailbox, and found my
17 lawyer's network card and asked me what was
18 this, you know. I said it's a lawyer's network
19 card, I need it to speak to my attorney.

20 Q. Right.

21 A. Even when he was in --- even before that,
22 we keep going back and forth, I asked him to
23 speak to an attorney, I said I have to have a
24 phone call to call my attorney. And he said,
25 no, I can't give you a phone call to your

1 attorney.

2 Q. Uh-huh (yes).

3 A. And he tried to elicit information from
4 me. This is an objection. On my complaint,
5 you know, he tried to elicit information from
6 me.

7 Q. So that is ---?

8 A. So listen, you know, ask me questions and
9 he told me it's going to be one for him. It's
10 going to be a big one for him. It's going to
11 come out in the papers. He's going to frame it
12 on his wall. He said it's going to be a long
13 time before I ever have an opportunity to have
14 sex with my wife because he's going to be
15 sending me up the river.

16 Q. Did you answer any of his questions at
17 all? Did you speak with him during that time?

18 A. I don't recall speaking to him. I raised
19 my --- I evoked my Miranda Rights. I did not
20 intend to speak to him. He started, you know,
21 based on probably McCarthy and stuff, and he
22 realized --- you know.

23 Q. Right.

24 A. And he said, ---.

25 Q. At this point, you still hadn't been read

1 your Miranda Rights at all?

2 A. I don't remember ever getting them.

3 Q. Okay.

4 A. I don't remember.

5 Q. Okay.

6 A. Now, he told me that he's going to go over
7 there, arrest my wife, and he's going to have
8 Children's Service take my kids.

9 Q. Okay. Did anybody else witness this at
10 all, or ---?

11 A. That was it, guys was coming in and out.

12 Q. Were there other officers in the police
13 station?

14 A. I was placed in a cell, and Mr.
15 Westmoreland came in and he locked himself in
16 the cell with me, he wanted to talk to me.
17 Said, are you okay. By the time, I wasn't, you
18 know, just --- I just, you know, yeah. I just
19 say yeah. I was lying down on the ---.

20 Q. You're in a jail cell?

21 A. Yeah, I was in a jail cell, lying down,
22 you know, from all this trauma.

23 Q. Right.

24 A. And then he said if I was okay, and, you
25 know, I just kind of shake it off.

1 Q. Yeah.

2 A. And he said, okay. So he says, officers
3 are okay. He will see that it get released.
4 He would release me.

5 Q. Westmoreland said he would release you?

6 A. Yeah.

7 Q. Why did he say he would do that?

8 A. I don't know why he said that. He just
9 said his officer was okay.

10 Q. Wait. So you're alleging Westmoreland,
11 who was one of the people who tackled you,
12 comes in the cell after you're arrested and
13 says ---.

14 A. He locked himself in the cell with me.

15 Q. He locks himself in the cell with you and
16 says, I'm going to release you?

17 A. I mean, he said, if everything is okay, he
18 would release me. They didn't have the search
19 warrant to arrest me.

20 Q. If everything was okay?

21 A. Yeah, he said if I'm okay, then the
22 officers are okay, he would release me. And
23 that's when --- God bless his soul.

24 Q. Yeah. Right.

25 A. He said --- you know, at that point he

1 gave me back my belongings and marched me out
2 of the cell.

3 Q. What were your belongings?

4 A. My wallet and some personal items, bank
5 account cards, bank cards, and, you know,
6 personal items, car keys, the stuff I had on
7 me.

8 Q. Did they let you out of your cell then?

9 A. Yeah, they let me out, they gave me back
10 my belongings.

11 Q. Okay. And then what happened?

12 A. Then Mr. Morgan was --- you know, he was
13 walking out and Mr. Morgan ---.

14 Q. I'm sorry. Speak up. What did Mr. Morgan
15 do?

16 A. Mr. Morgan called me back in and that's
17 when he locked me back in the cell.

18 Q. Wait. So you were walking out of the
19 police station ---

20 A. Yeah.

21 Q. --- and Mr. Morgan yells to you, hey, you
22 come back in.

23 A. Yeah, I want to say at least, he called
24 back and said, I have something that I have to
25 say to you.

1 Q. He said he had something else to say to
2 you, so you walk back into the police station?

3 A. Yeah, I went to see what he had to say.

4 Q. And then what did he say? Go back to the
5 cell?

6 A. Yeah. He said, you're not going nowhere.
7 He locked me in the cell.

8 Q. Okay. And what happened after that?

9 A. I was in the cell until Mr. --- the
10 Defendant --- Defendant Craul came and
11 processed me.

12 Q. Okay.

13 A. I said, what is my charge. Because up
14 until this day and time, I didn't know what I
15 was charged with.

16 Q. Yeah.

17 A. You know, nobody told me what I was
18 charged with.

19 Q. Right.

20 A. You know. And I've been asking for an
21 attorney and nobody has given me access to one.

22 Q. At what time was it approximately that you
23 were allowed to leave the station and Morgan
24 called you back? At what time was that
25 approximately?

1 A. I don't remember.

2 Q. Was it dark out?

3 A. No, it wasn't dark out. It was probably
4 about two or three hours after. I'm not sure.
5 Hour and a half, I'm not sure exactly. But at
6 the time I was in the cell, I could hear Mr.
7 Morgan calling around the various Mail Boxes
8 saying this is Tyrone James, did I get that
9 package there, blah, blah, blah, you know,
10 using my name.

11 Q. Wait. You said you were arrested around
12 10:30 a.m. ---

13 A. That day.

14 Q. --- on the 10th. But you said you were in
15 the station until about 6:30.

16 A. 6:30.

17 Q. And it was dark out.

18 A. Well, when I walked out of that police
19 station, it was dark out.

20 Q. Well, I asked you if it was just dark out,
21 and isn't that when Morgan called you back in?

22 A. No, that was before. That was way before.

23 Q. Okay. Okay.

24 A. That was way before. He had --- he ---
25 when I was walking out with Mr. Westmoreland,

1 Morgan said, I have something else I have to
2 say to you now.

3 Q. Okay.

4 A. Mr. Westmoreland --- Defendant
5 Westmoreland walked --- I think he left, and
6 that's when Morgan ---.

7 Q. And so this was before 6:30 then that this
8 happened?

9 A. Yes.

10 Q. Okay.

11 A. The time I was released was in the
12 evening.

13 Q. And they rearrested you then; is that what
14 happened or did they just put you back in the
15 jail cell?

16 A. They just put me back in the jail cell.

17 Q. Well, how did you get to leave again at
18 6:30?

19 A. When Mr. Morgan escorted me.

20 Q. Then they said you could leave yet again?

21 A. No. No, they didn't say I was leaving
22 then. They escorted me to the District
23 Justice's office.

24 Q. Okay. And that was around 6:30?

25 A. 6:30. I mean, between 6:30 and quarter to

1 7:00 approximately. I'm not sure.

2 Q. Yeah. Approximately.

3 A. You know, I didn't have my watch on and,

4 hey, I'm just approximating.

5 Q. Okay.

6 A. But at the time I was sitting in the cell

7 waiting, I could hear Mr. Morgan calling around

8 asking men about this, you know, saying this is

9 Tyrone James, yeah, I got the package here,

10 blah, blah, blah.

11 Q. Okay. Now ---.

12 A. And I'm going to object 'cause this

13 is ---.

14 Q. Sure. Yeah. Okay.

15 A. --- coming into criminal matters.

16 Q. Now. What was the name of the District

17 Justice you went before?

18 A. I think it was Leppo. I'm not sure.

19 Q. Leppo, okay, L-E-P-P-O. What happened

20 when you went before the District Justice? You

21 know, it was you and what officers went with

22 you to THE District Justice?

23 A. I think it was Craul.

24 Q. Okay. Okay. Were any of the other

25 officers along with Craul?

1 A. I don't know. I didn't see them. I know
2 Mr. Morgan escorted me.

3 Q. So was Mr. Morgan present with you in
4 front of the District Justice?

5 A. Yes, sir.

6 Q. And who else? When you were standing in
7 front of the District Justice, what other
8 officers were with you or were in the room?

9 A. I think it was Mr. Morgan, Mr. Craul, I
10 don't know who else. I'm not sure.

11 Q. Okay. So it wasn't Kessler, Fells,
12 Glowczewski, Westmoreland ---?

13 A. No.

14 Q. Okay. What happened at the District
15 Justice's office? He set bail for you then; is
16 that what happened?

17 A. (Indicates yes).

18 Q. What kind of bail did he set; do you
19 remember?

20 A. It was \$500,000 but the Defendant --- the
21 Defendants told him that I had drugs. You
22 know, which they know there was no drugs in the
23 State of Pennsylvania on the 10th of January.

24 Q. Right.

25 A. And that I told him that I was a flight

1 risk and I was --- even though I told him that
2 I --- my wife owned property, and she had a
3 business and I was here because she just had a
4 new baby, and she was going through trauma.

5 Q. Wait. Your wife has a business?

6 A. Yes.

7 Q. What's the name of your wife's business?

8 A. I'm going to object. But I don't remember
9 the name.

10 Q. Okay.

11 A. Laverne Hair Salon.

12 Q. Okay. Got it. Does your wife use Mail
13 Boxes Etc. too for her business?

14 A. No.

15 Q. Okay. So you're at the District Justice
16 office, and he set bail in the amount of half a
17 million dollars.

18 A. Yeah.

19 Q. Okay. Did you appeal that at all?

20 A. Did I appeal?

21 Q. Yes.

22 A. I never got a chance. I was --- he set
23 bail and I was on to York County Prison.

24 Q. Okay. Did you post bail at all?

25 A. I never got a chance.

1 Q. You never got a chance to post bail?

2 A. Never got a chance to call the bonds man
3 or attorney or my family.

4 Q. Okay.

5 A. Mr. Morgan instructed not to give me no
6 phone calls pending their investigation.

7 Q. Now, was that the only time you were
8 before a District Justice at all in regard to
9 this?

10 A. Yes.

11 Q. Because I think in your complaint, you
12 said something about more than half a million
13 dollars for bail. You're alleging ---.

14 A. Well, at that time, I was later removed
15 from the York County Prison.

16 Q. Okay.

17 A. And we charged Mr. Morgan and Peddicord,
18 I'm not sure of them, and I'm objecting on the
19 fact that this might be used in criminal and I
20 was recharged with two other charges. I was
21 placed in segregation in York County Prison. I
22 was moved from segregation to the District
23 Justice's office. I'm not sure where it was, I
24 think on King Street, and charged with two
25 additional offences and bail was set at 2.5

1 million bond.

2 Q. Because you got charged with two
3 additional offences?

4 A. Yes.

5 Q. So you were charged once on the 10th and
6 twice on the 12th?

7 A. Yes.

8 Q. That's January 12th, 2001?

9 A. Yes.

10 Q. So the total for the three charges was
11 \$2.5 million?

12 A. \$2.5 million.

13 Q. Were you given a chance to post that bail
14 at all?

15 A. No. I did not have that much money.

16 Q. Now, you didn't post \$2.5 million bail and
17 did you appeal that bail? Did you have what's
18 called a bail hearing? And that means, when
19 somebody gets bail they feel is excessive, they
20 have a right to appeal that decision. Now, you
21 said you had an attorney; right?

22 A. Yes.

23 Q. Did you appeal that bail decision at all?
24 \$2.5 million in bail?

25 A. I'm going to object.

1 Q. Okay.

2 A. I think my attorney did, again, I'm not
3 sure.

4 Q. You're not sure if there was appeal? And
5 I'm just asking you, again, one of the other
6 claims you made was excessive bail.

7 A. Yeah, I know that.

8 Q. And so it's kind of important to remember
9 if you appealed them or not.

10 A. Yeah, I think he did.

11 Q. You think you did.

12 A. I'm not sure.

13 Q. You're not sure?

14 A. I'll have to check the records.

15 Q. Okay. Since you're not sure if you
16 appealed them ---.

17 A. Yeah, I think he did. I'm not sure.

18 Q. Okay.

19 A. But I'm objecting.

20 Q. All right. So the only two people
21 involved in the excessive bail claim would be
22 Craul and Morgan. And Peddicord did. And none
23 of these other ---.

24 A. Peddicord's dated on the 12th.

25 Q. Okay.

1 A. You know, I mean, that affidavit on
2 probable cause on January 10 stating that the
3 --- my warrant out on drugs was shipped to
4 Leonard, Pennsylvania at a crime lab.

5 Q. Leonard, Pennsylvania?

6 A. Yes. And at trial it came out that there
7 was no drugs in the State of Pennsylvania on
8 January 10th. You know, so they questioned me
9 about it.

10 Q. So the ---.

11 A. The interdiction, you know, these guys,
12 these Defendants, they got interdiction and
13 they presented affidavit of probable cause
14 stating that the drugs was transferred to
15 Leonard, and there was no drugs in the State of
16 Pennsylvania.

17 Q. Okay. Sorry, sir. So then, you raised
18 the suit. Your attorney then raised this issue
19 at trial because ---.

20 A. No, he didn't raise it.

21 Q. Well, then how did it come out that ---.

22 A. Objection.

23 Q. Then how did it come out at all then that
24 the drugs weren't in Pennsylvania, if this
25 wasn't raised by your attorney at all?

1 A. I mean, it came out in the testimony.

2 Q. At trial?

3 A. Yeah.

4 Q. Okay. Let's ---.

5 A. I mean, the investigation, I mean ---.

6 Q. That's not what I asked you. I said, did
7 this come up in trial. So it did.

8 A. Oh, okay. Now I understand, but I didn't
9 understand what you were saying.

10 Q. Yes. So you know this information that
11 the drugs weren't in Pennsylvania because your
12 attorney raised the issue at trial?

13 A. It came out at trial --- I'm going to
14 object to it.

15 Q. Okay.

16 A. But it came out that there was no drugs in
17 the State of Pennsylvania. Not even at trial,
18 but at the preliminary hearing I think. I
19 think it was at preliminary hearing.

20 Q. Was it a suppression hearing?

21 A. No, it was just preliminary hearing.

22 Q. So the bottom line is, your attorney
23 raised this issue, then, about the drugs not
24 being in Pennsylvania?

25 A. He didn't raise the issue, it just came

1 out on the testimony.

2 Q. So what happened, the law enforcement
3 officers just came out on their own and
4 said, ---

5 A. I mean, ---.

6 Q. --- Mr. James, the drugs were never in
7 Pennsylvania. Your attorney didn't talk about
8 it at all?

9 A. It came out in Defendant Morgan's
10 testimony that ---.

11 Q. Why would he testify to that?

12 A. Well, he stated one thing because he
13 stated in his report --- that he had the report
14 on page five or six or four, that the drugs was
15 in the State of Pennsylvania on the 10th. And
16 if --- I mean, we're not talking about a drug
17 case, now, we're talking about a little civil
18 matter, and you're going into my criminal
19 matter.

20 Q. Well, that's important because that's
21 connected to the civil matter.

22 A. You see, you going into my criminal
23 matter, but I said he said the drugs was in the
24 State of Pennsylvania on the 10th in his
25 initial report, which you presented to me in

1 your production of documents. But in
2 actuality, at the suppression hearing, he said
3 something different. See, he wasn't being
4 consistent.

5 Q. So it was at a suppression hearing now.

6 A. I'm not familiar with the criminal system.
7 I'm not an attorney.

8 Q. No. You have to understand something. As
9 pro se, ---

10 A. Yeah.

11 Q. --- you know, you're representing
12 yourself, so I understand you don't know
13 everything we do. One of the inherent
14 assumptions of risk you take on is, is that ---

15 A. I don't need to get into that, no.

16 Q. Okay. --- you have to know what you're
17 talking about. And you can't mislead me, say,
18 oh, funny thing, I don't know.

19 A. I'm not misleading you.

20 Q. But was this at the --- I need to know --
21 - I asked you if your attorney raised this, you
22 said no. And then you said, well, maybe it
23 came up in testimony at the preliminary
24 hearing, then you said suppression hearing,
25 then it wasn't at the suppression hearing.

1 This came up in trial or not?

2 A. It came out at the preliminary hearing
3 because ---.

4 Q. Was your attorney at the preliminary
5 hearing?

6 A. Yes.

7 Q. Okay.

8 A. On this date, the Defendant Morgan stated
9 that there was contraband in the State of
10 Pennsylvania on January the 10th.

11 Q. Okay. That's not the issue.

12 A. Listen to me. In the affidavit of
13 probable cause, he stated that there was
14 contraband in the State of Pennsylvania on
15 January 10. Criminal complaint filed on
16 January 10 with District Justice Leppo. There
17 was not no contraband in the State of
18 Pennsylvania, there was not no search warrant,
19 there was not no arrest warrant in the State of
20 Pennsylvania.

21 Q. Okay. Are you through so I can ask you
22 questions? Did your attorney ask Agent Morgan
23 this?

24 A. Yes, I think so. I'm not sure.

25 Q. Okay. So then, follow me now.

1 A. Yes.

2 Q. Your attorney raised this issue?

3 A. Yes.

4 Q. Okay. Thank you.

5 A. I'm not sure. You got to ask them.

6 Q. Well, I'm asking you. You told me that

7 Defendant Morgan said this stuff in preliminary

8 hearing. Your attorney must have asked him

9 about it.

10 A. I guess.

11 Q. Okay.

12 A. It came out somewhere.

13 Q. Did your attorney raise the issue of the

14 Miranda Rights at trial at all? I mean ---

15 Okay. Let me ask you this, because I think you

16 have some selective memory right now with me,

17 Mr. James. What was your Defense at trial?

18 A. You got to explain it to me. You're not

19 explaining to me. What does that mean?

20 Q. What was your criminal Defense at trial?

21 A. As from my understanding, I don't even

22 know 'cause my ---

23 Q. You don't know what your criminal ---?

24 A. --- my attorney was ineffective on the

25 way. I don't know.

1 Q. We're not here for ineffective attorney.

2 A. Yeah.

3 Q. What was your criminal Defense trial?

4 A. I don't even know if I had a Defense.

5 That's why I'm here sitting. I don't know.

6 Q. So you didn't raise the issue at trial of
7 the search and seizure at all, the Fourth
8 Amendment search and seizure? You never raised
9 that at trial?

10 A. He might have waited for the suppression
11 hearing. I'm not sure.

12 Q. All right. I mean, that's a paperwork, I
13 can get that. And I think he raised it. I
14 think he raised it.

15 A. Yeah, I guess. Yeah.

16 Q. But, hey, he ---.

17 A. He might have raised that at the
18 suppression hearing.

19 Q. So you can dodge it. Either way, your
20 attorney raised these issues already in your
21 criminal Defense.

22 A. Yes. You have to consult my attorney.
23 I'm not sure.

24 Q. All right.

25 A. That's privileged information. Objection.

1

2 Q. You just told me I have to consult with
3 your attorney. I guess I can't now because
4 it's privileged information.

5 A. I mean, I'm trying to do my best here.
6 I ---.

7 Q. I know you are.

8 A. I didn't go to school.

9 Q. Look, I understand you're trying to do
10 your best.

11 A. Yeah.

12 Q. But you're not going to be able to ---.

13 ATTORNEY GIURINTANO:

14 Well, look. Go off the record
15 just for a second.

16 OFF RECORD DISCUSSION

17 ATTORNEY GIURINTANO:

18 Okay.

19 BY ATTORNEY GIURINTANO:

20 Q. So you aren't aware of any drugs being
21 found in any of your Mail Boxes Etc. ---?

22 A. No.

23 Q. Okay. Now let's go into your Miranda
24 Warnings claim. You're saying, again, I know
25 we discussed some of this before, you don't

1 recall if you were read your Miranda Warnings?

2 A. No. I don't recall.

3 Q. Okay. Now, you also had an excessive bail
4 case. We went into that and, again, is Morgan,
5 Craul, and Peddicord are the three Defendants
6 you think are responsible for the excessive
7 bail claim, but you don't remember if you ever
8 appealed it or not. We talked about your
9 excessive force claim. Now, let's talk about
10 your search and seizure claim. Why do you feel
11 that there has been a violation of your Fourth
12 Amendment right to search and seizure?

13 A. Well, first of all, when you have a
14 private mailbox, that's considered --- you have
15 a privacy issue. I mean, for somebody to just
16 come and put a makeshift box in your mailbox
17 without a warrant or anything, I think that is
18 considered that as a --- you know, when you ---
19 in other words, when you rent a mailbox, you
20 consider --- you want it to be safe, you know,
21 away from the public. And by them putting that
22 in there without a warrant, I think that's a
23 violation of my constitutional rights. Then
24 you go to a Magistrate and get the federal
25 opinion or judgement, you know.

1 Q. What makes you think there was no search
2 warrant at all in any of this?

3 A. There was no search warrant to arrest me.

4 Q. There was search warrant or arrest
5 warrant?

6 A. Arrest warrant. There wasn't no search
7 warrant to go through my paperwork --- whatever
8 --- documents at Mail Boxes Etc. I'm not sure,
9 Eastern Boulevard --- it's on Eastern Boulevard
10 in York. Let me see if I can remember. Can I
11 go through this?

12 Q. Yeah. Go ahead.

13 A. Yes, 2536 Eastern Boulevard, York, PA.
14 Okay. There was no search warrant there. They
15 planted something and ---.

16 Q. Was that raised at your trial at all?

17 A. Well, I think my attorney raised it. I'm
18 not sure. I don't --- after they arrested
19 me, they seized all of my personal belongings.
20 went through all my personal belongings, went
21 through it, ransacked it, you know, took what
22 they wanted, destroyed my lawyer's network
23 card, took all my keys, to my car, my business.
24 You know, I take medication and I was out of
25 that ant I was not allowed to contact home.

1 Q. Right.

2 A. What kind of medication do I need, you
3 know. I'm arrested I might need to know what
4 medication I'm taking and whatever.

5 Q. Right. In one of your pleadings to me,
6 you indicated that this may be a case of
7 inevitable discovery. You know, that they may
8 have discovered it anyhow. How is this a case
9 of inevitable discovery if it's a mailbox and
10 it's in plain view. How would that be a ---
11 and I'm asking you, it's not a rhetorical
12 question. You said, oh, this may be a case of
13 inevitable discovery. How is that inevitable
14 discovery if they --- you know, how is
15 inevitable if they would have found drugs in
16 your mailbox or alleged drugs in a mailbox?

17 A. I don't understand what you mean. Can you
18 break that down for me?

19 Q. Sure.

20 A. I'm not ---.

21 Q. Sure. You said that --- well, of course,
22 you're claiming that there was never any drugs.
23 You weren't aware of any drugs?

24 A. No.

25 Q. In any of your mailboxes. But then you

111

1 said that there may be some type of inevitable
2 discovery of those drugs, I mean, but now you
3 just said it's a private mailbox. How is it
4 inevitable discovery if that's a private
5 mailbox if --- inevitable discovery. If it's
6 inevitable it's going to be found.

7 A. They would have found it regardless?

8 Q. Yeah. They would.

9 A. I don't remember what that was, can you
10 recollect me?

11 Q. Uh-huh (yes). It was in response to
12 Defendants', to my motion for summary
13 judgement.

14 A. Motion for summary. I did not respond to
15 that ---

16 Q. Okay.

17 A. --- but, if you're waiting for ---.

18 Q. Then that's fine. Okay. That's my fault.

19 A. But I want to let you know that if it
20 wasn't for them invading my privacy in breaking
21 and planting that makeshift box --- Agent
22 Morgan and ---.

23 Q. Right.

24 A. They wouldn't have discovered whatever,
25 you know.

1 Q. Right.

2 A. They wouldn't have an opportunity to even
3 --- I wouldn't be sitting here with you because
4 ---.

5 Q. So you're saying, if it wasn't for that
6 bad search, you wouldn't have been convicted
7 anyhow? You wouldn't have been convicted
8 anyhow?

9 A. I wouldn't be sitting here, really.

10 Q. Why wouldn't you be sitting here?

11 A. Because it was --- I mean, there was no --
12 - you know what I mean, there was --- they
13 wouldn't --- they couldn't just go on in there
14 and just search it by --- search something
15 somebody ---.

16 Q. Right. Are you saying then that if it
17 wasn't for the search that you're suing about,
18 that you wouldn't have been convicted?

19 A. I don't understand what you're saying.

20 Q. You said, if it wasn't for that search I
21 wouldn't be sitting in here now. Isn't that
22 what you just said? I believe that's what you
23 just said. I mean, it's on the record. You
24 said, if it wasn't for that bad search, you
25 wouldn't be sitting here right now.

1 A. No, you said --- you're trying to say, I
2 bring a suit because of the bad search.

3 Q. Right.

4 A. So I'm trying to say it's --- objection.
5 Well, the search would be --- I wouldn't be
6 sitting here.

7 Q. No. All I'm asking you --- you said, if
8 it wasn't for the search --- I don't know. The
9 stenographer can read it back, but I --- you
10 said, if it wasn't for the search, I wouldn't
11 be sitting here right now.

12 A. Look, you're talking about the search of
13 my personal belongings.

14 Q. Okay. Which search are you talking about?
15 Which search are you suing about?

16 A. My search in my person. My personal ---

17 Q. Okay.

18 A. --- belongings.

19 Q. Uh-huh (yes).

20 A. The mailbox where they put the makeshift
21 box.

22 Q. And this is the search of the mailbox
23 where you were arrested on January 10, 2001?

24 A. Yeah.

25 Q. Now, what would've happened if that search

1 wouldn't have happened at that Mail Boxes Etc.?

2 A. I don't know.

3 Q. Okay.

4 A. I don't know what would have happened.

5 Q. Okay. Let's talk about the search a
6 little bit more. You're suing about the search
7 of the Mail Boxes Etc.?

8 A. I'm suing for search of my person. The
9 search on my property that was on my person.

10 Q. Right. Well, then that has nothing to do
11 with your initial arrest on January 10th
12 because that happened after your arrest?

13 A. No, that happened on January 10th in
14 the ---.

15 Q. After your arrest; right?

16 A. After my arrest?

17 Q. They didn't search your person before they
18 tackled you; did they?

19 A. That was the seizure that they did. A
20 seizure of me.

21 Q. But you just said, you're now suing only
22 because of the search of your person. Tell me
23 again why you're suing ---.

24 A. Can I reference with this (indicating)?

25 ATTORNEY GIURINTANO:

1 Let the record show he's looking
2 at his complaint.

3 A. Using the complaint.

4 BY ATTORNEY GIURINTANO:

5 Q. Okay. That's fine. I need to know
6 exactly why you're suing on this Fourth
7 Amendment complaint and who you're suing.

8 A. It says, warrantless search and seizure,
9 illegal search and seizure, unlawful arrest,
10 wrongful arrest and detention, invasion of
11 privacy, whatever.

12 Q. Now, Mr. James, --- sorry.

13 A. Violation of due process and entrapment.

14 Q. Okay. Stop. Okay. Now, I don't want you
15 to read back to me what you've written. I have
16 that. I'm going to try to get behind the
17 pleadings.

18 A. Okay.

19 Q. I need to know why you're suing because of
20 this Fourth Amendment issue you raised, and
21 what instance you're suing about, and who
22 specifically you're suing.

23 A. Search at my Mail Boxes Etc.

24 Q. Okay. So one, you're suing on this Fourth
25 Amendment claim because of the search of your

1 Mail Boxes Etc.. Which one? You don't know
2 the address. The one ---.

3 A. It's 2536 Eastern Boulevard.

4 Q. And that's the one where you were arrested
5 at on January 10, 2001?

6 A. There was no search warrant to search my
7 box or place a makeshift box at the mailbox.

8 Q. Okay. Any other Fourth Amendment issues?

9 A. Search and seizure of my person. The
10 search of my property.

11 Q. What property?

12 A. Whatever was on me.

13 Q. What specific property?

14 A. Wallet, my car.

15 Q. Okay. So for the record, what is it?

16 This Fourth Amendment claim is not about any
17 searches that occurred at the other Mail Boxes
18 Etc.?

19 A. No.

20 Q. Okay. Now, why do you feel that the
21 search and seizure of the mailbox at 2536
22 Eastern Boulevard and search of your wallet was
23 unlawful?

24 A. They didn't have a search warrant. And
25 they didn't have an arrest warrant.

1 Q. You had mentioned in some of your
2 pleadings, and forgive me, I forget which ones,
3 reference to a poisonous drug.

4 A. I don't remember. I don't recall. And I
5 will object to others based on the fact that
6 --- I mean, I'm in criminal proceedings and I'm
7 being, you know, asked questions that deal with
8 my criminal matters, and I'm going to object to
9 that and ask you to ask me another question.

10 Q. Now, what would've happened if they hadn't
11 searched your wallet or your person on January
12 10th, the day you're suing about?

13 A. I don't know. I don't know what would've
14 happened. You picking up the mail from a
15 mailbox, or me going to a mailbox to pick up my
16 mail, that doesn't lead to criminal activity.

17 Q. And you don't remember if these were
18 raised in your trial or not --- suppression
19 hearing?

20 A. My attorney did not raise the mailbox
21 search and seizures in my criminal trial.

22 Q. Oh, so you don't remember anything, but
23 now you remember specifically that ---.

24 A. Well, he did not raise the search and
25 seizure of the Mail Boxes Etc.

1 Q. Did he raise the search and seizure of
2 your person or of your wallet?

3 A. I don't remember that, but I do know we
4 did not raise that issue.

5 Q. So ---.

6 A. I'm telling you the truth.

7 Q. So in selective memory, you remember only
8 what helps you out. You haven't raised ---.

9 A. No, I mean --- I mean, that was one of my
10 questions in the case regarding the issues of
11 that.

12 Q. Right.

13 A. And he served me with two warrants that
14 have nothing to do with 2536 Eastern Boulevard.

15 The warrant had to do with Mail Boxes Etc.

16 Q. Oh, really? What was the probable cause
17 in those warrants?

18 A. I don't know. I think it's on the arrest,
19 something like that.

20 Q. Yeah, you're right.

21 A. Yeah, I mean, I think it was for unlawful
22 arrest. I'm not sure.

23 Q. It was from the unlawful arrests and the
24 unlawful search and seizure. Is that what
25 you're alleging? That it's unlawful search and

1 seizure?

2 A. I think so.

3 ATTORNEY GIURINTANO:

4 You can take a five-minute break.

5 SHORT BREAK TAKEN

6 ATTORNEY GIURINTANO:

7 Okay. After I receive a copy of this
8 transcript from Sargent's Court Reporting
9 Service, I will forward a copy here to SCI at
10 Rockview for Mr. James to review and agree with
11 its contents. But I will not be providing him
12 with a free copy of that transcript. Okay.
13 That's good. Thanks.

14 A. It wasn't in my article for production of
15 documents. Did you say transcript?

16 ATTORNEY GIURINTANO:

17 Let's go off the record.

18 OFF RECORD DISCUSSION

19 ATTORNEY GIURINTANO:

20 Go ahead. You can give your
21 statement for the record.

22 A. Yeah. I want to state on the record that
23 at the time of my arrest I was on psych
24 medication. I think it was Effexor and
25 Risperdal. I was taking diet pills and seeing

120

1 a psychiatrist every month and I was --- I got
2 a mental stress and anguish.

3 ATTORNEY GIURINTANO:

4 Okay.

5 BY ATTORNEY GIURINTANO:

6 Q. Mr. James, do you have any witnesses to
7 substantiate in your claim? I got Mrs. McCoy,
8 I believe her name is. Do you have any other
9 witnesses you plan on using to back up any of
10 your claims at all?

11 A. I have it written down here. I don't
12 remember his name. I think I served that to
13 you in Interrogatories. I'm going to have to
14 search for them to find it. And I'm Mr. ---
15 what's his name.

16 Q. Can't give you a witness if you don't even
17 remember his name.

18 A. Yeah. I mean, I have his name. But I
19 think I served it to you.

20 Q. It's your name here in the papers?

21 A. I don't have it here.

22 Q. And what --- is he going to be a witness
23 for the arrest, or for the bail, or which
24 claims would he be witness for?

25 A. He'd be a witness for the denial of

1 Counsel of bail problem. Objection.

2 Q. There'll be a witness for the denial of
3 bail and Counsel?

4 A. And I have a witness, it's Mr. --- the
5 other clerk that was at the Mail Boxes Etc.,
6 2536 Eastern Boulevard. He --- I think his
7 name was --- I don't remember his name. It's
8 in the Interrogatories that you --- you know,
9 this one (indicating) that you sent me?

10 Q. You don't remember his name, though?

11 A. No, it's in the list. It's in the
12 response to your Interrogatories.

13 Q. Is his address and phone number in there?

14 This stuff is relevant. Is his full name
15 or ---?

16 A. Yeah, his full name's in there.

17 Q. Okay.

18 A. He just ---.

19 Q. And what would he be testifying about?

20 The excessive force?

21 A. The excessive force. I don't know if they
22 had a camera here.

23 Q. Okay. What documents do you plan on using
24 in support of your claims?

25 A. I have to subpoena my medical records,

1 probably from the York County Prison.

2 Q. Okay.

3 A. I complained to them. They said, listen,
4 you know, they don't write down everything.

5 Q. You complained to the York County Medical
6 staff ---?

7 A. I make complaints, here they don't write
8 it down nothing. Every time you see them you
9 got to pay \$12. I haven't seen a doctor in
10 over seven months except for controlling high
11 blood pressure.

12 Q. So we have the medical records. What
13 else?

14 A. They psychological --- I used to go a
15 psych every month. They won't see me here.

16 Q. All right. What else, besides the medical
17 records?

18 A. Well, the --- I was trying to get my
19 business records of the losses due to the fact
20 that this occurred. I have to get all of my
21 necessary medical records and business records.

22 Q. Okay. Business records, medical records,
23 your witnesses are going to be two clerks who
24 work at Mail Boxes Etc., and ---.

25 A. I have a witness that was in County with

1 me, he was there.

2 Q. Inmate?

3 A. Yes.

4 Q. And he's the one who's going to testify to
5 the excessive bail and denial of Counsel?

6 A. Yeah.

7 Q. Any other witnesses?

8 A. I don't recall any right now. I have to
9 check my records with you. I think I submitted
10 that to you. You know, it should all be there.

11 Q. Okay.

12 A. Again, I would say my wife, but she just
13 --- Laverne James, and I would say, you know,
14 she probably won't testify.

15 Q. All right.

16 A. Because that's privileged.

17 Q. Was she there at the arrest or ---?

18 A. No, she wasn't at the arrest, but she went
19 and she searched --- mentioned our house.

20 Q. Right.

21 A. And never helped her ---.

22 Q. Right. But you're not suing for that
23 stuff?

24 A. No. No.

25 Q. Okay. So --- okay ---.

1 A. Well, first I was suing things that the
2 Judge said that I could sue on a third party,
3 she had to be a third party too because she
4 lived there. You know, search a house without
5 her consent or a warrant and checked stuff to
6 lock her up.

7 Q. So I have a question about the makeshift
8 package. Are you alleging that you had no idea
9 what that package was at all, or just that you
10 knew that you had a package coming when you
11 thought that the police ---?

12 A. I didn't know that I had a package coming.

13 I didn't know what the package was at all.
14 All I know, that there was a slip in my mailbox
15 stating that a package was there in the mailbox
16 for me. I didn't know I had a package coming
17 or nothing. And I'm objecting to that based on
18 my criminal ---.

19 Q. Criminal --- okay. So on the Fourth
20 Amendment claim, you're suing for the search of
21 your mailbox at 2536 Eastern Boulevard, the
22 search and seizure of your person, and search
23 of your property. Now, you mentioned your
24 wallet. Anything else besides your wallet?

25 A. Yeah. The car. The car. They searched

1 my car.

2 Q. Your car?

3 A. The car I was driving.

4 Q. Oh, they searched your car. I don't think
5 you mentioned anything about that in your
6 pleadings.

7 A. No, I didn't. I can finish it if you
8 want, you know, I'm not sure. Sometimes I have
9 a ---.

10 Q. Was your car at Mail Boxes Etc.?

11 A. It was parked outside.

12 Q. All right.

13 A. That's where --- I was walking to my car
14 when they arrived --- arrested me.

15 Q. Right. And in your wallet they found
16 other Mail Boxes Etc. business cards; correct?

17 A. Correct.

18 Q. Okay. Were any of those the ones that
19 were ---?

20 A. The cards --- they found two credit cards.
21 my lawyer's network cards, other business cards
22 that I did business with, plus I have a
23 business account with Nexus, certain business
24 establishments and distributors. They had all
25 those cards and travelers cards, you know,

1 check, my lawyer's network card.

2 Q. Now, the Mail Boxes Etc. cards that they
3 found, were those the addresses of ---?

4 A. One more thing would be the bank checks.

5 Q. Okay. Stop. Okay. I don't care about
6 anything else that was in the wallet. The Mail
7 Boxes Etc. cards they found, were those the
8 ones that were --- were they from your Mail
9 Boxes Etc. accounts from your other mailboxes
10 and other Mail Boxes Etc.?

11 A. Well, they knew exactly what's going down.

12 Q. Okay.

13 A. Objection. I think so.

14 Q. Okay. You say they allege now ---.

15 A. Objection. No. I don't remember.

16 Q. I just said that now and --- you know ---.

17 Do you remember the addresses of the Mail
18 Boxes Etc. business cards that were in your
19 wallet?

20 A. No, I don't recall.

21 Q. You don't?

22 A. No. But I recall them.

23 Q. Do you recall those coming up at your
24 trial at all, your criminal trial?

25 A. Objection. I do not remember, that I

1 recall.

2 Q. Okay.

3 A. And the fact that I found out that there
4 was other charges on the 12th which kind of
5 took me down and arraigned me --- I just
6 discovered --- 2.5 million and I told him 2,000
7 --- \$2 million in cash ---.

8 Q. Right. Right.

9 A. Because I didn't know there was even, you
10 know, lesser drug and he charged me to
11 additional charges. That's when I
12 realized ---. At that time, I felt that I
13 should have a chance to call my attorney or
14 call my family.

15 Q. Okay. Stop. Do you recall, I know I
16 asked you this when we first started, let me
17 refresh your memory a little bit or the stir
18 some memory, exactly how many other Mail Boxes
19 Etc. accounts you had besides the one at 2536
20 Eastern Boulevard?

21 A. I know I had --- I had --- I think it's
22 --- I think it's 2810 on White Street, that's
23 in Carlisle.

24 Q. Okay.

25 A. I think it's White Street. I'm not sure.

1 That's Carlisle Avenue.

2 Q. So the Mail Boxes Etc. where it's alleged
3 that they found the drugs, you did own those
4 boxes; correct?

5 A. I contracted it.

6 Q. You contracted it?

7 A. Objection.

8 Q. Right. You object to your contract?

9 A. I mean, I had contracted with them, yes.

10 Q. Right. Okay. Mr. James, I think that's
11 about it. Is there anything else you'd like to
12 get on the record at all?

13 A. I just wanted to make a statement that I
14 want a chance to review --- you know.

15 Q. Yes. Yes. You will be given a chance to
16 review. What I will do then is haul the
17 assistant superintendent here and find
18 somewhere where ---.

19 A. Can this be filed with the Courts?

20 Q. No, this --- I mean, you objected a lot.
21 So this isn't admitted into evidence at trial
22 yet because some of it may not be admissible
23 because you objected, so no, this isn't ---.

24 OFF RECORD DISCUSSION

25

C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the suppression hearing in the above cause, and that this copy is a correct transcript of the same.


Shana J. Langione, RPR
Official Court Reporter

Sargent's Court Reporting

Page	Line	Error	Correction	Reason
12	20	They were '95, '96'	83, 90	prior Years of convictions.
13	8	It was like a.	83	Year of conviction
13	12	prior to the 98 conviction	prior to the 90 conviction	Year of conviction
13	13	was paroled for probation Revocation	It was for a probation Revocat ion.	my probation was revoked in 1985, Prior to my 1990 conviction
14	5	I was convicted in 99, for Possession of	I was convicted in 90 for possession	years of prior conviction.
14	9	And I did serve for Two years, Three years	I serve time for a period of Three years.	Amount of time served
19	6	Think That	moved back	I moved back toward MBE.
23	20	is what you like	see if any mail is in the mail box	Taken out of context.
23	24	I had looked for This money	I had looked at This package	Taken out of context
24	16	When I walk out.	When I received The package	Taken out of context.
24	17	but when I walk	I walked out.	Taken out of The context.
27	14	I inspected it	I looked at It.	I never inspect inspected The Package.
33	3	paid	acceptor receive	Never paid for Anything.
38	25	you have to have a car car	you have to have a Driver License	Need Driver License not CAR
44	5	PSRA	PCRA	Post-conviction relief Act.

I have read the transcript of my testimony and certify that it is accurate with the above corrections.

Tyrone James
Deponent's Name: TYRONE JAMES
Deposition Date: MAY 25, 2004

Dretta K. Andrews
NOTARY SIGNATURE Described before me this

NOTARIAL SEAL
DRETTA K. ANDREWS, Notary Public
Benner Township, Centre County, PA
My Commission Expires June 13, 2006

6th day of July, 2004
Dretta K. Andrews

Sargent's Court Reporting

Page	Line	Error	Correction	Reason
44	10	RCR, or RCA	PCRA	Correct Abbreviation
47	20	Testify To Social & Security	Receiving Supplemental Security Income.	I was receiving SSI. (Take out of context).
50	3-4	Knocked down	Cocked Down	misspelled.
3	5	E DANVILLE	CAMP HILL	misspell.
67	7	Running from both	moving away From both officers	Never run From These officers
79	12	I blurted out	He blurted out	Morgan Blurted out, not me or I
81	14	Suppression, Not the excessive force.	She witnessed the excessive force	she was a witness.
85	6-7	I Testified at my Trial	This is part of Testimony presented at my Trial.	I never Testified at my Trial.
84	10	Rights	personal Property Belongings	was searching my personal property.
86	12-16	searching my mail	searching my property	taken out of context.
86	16	mailbox	wallet/card.	we was at the police station, where officers were going through property.
87	21	MC CARTHY	McCOY.	property name of witness
100	4-15	Leonard	Lemoine	misspelled.
106	10	waited	Raised	misspell.
108	25	opinion w judgement	Search Warrant	misspell Taken out of context.

I have read the transcript of my testimony and certify that it is accurate with the above corrections.

Tyrone James

Deponent's Name: TYRONE JAMES
Deposition Date: MAY 25, 2004

Dretta K Andrews

NOTARY SIGNATURE before me this

NOTARIAL SEAL
DRETTA K. ANDREWS, Notary Public
Banner Township, Centre County, PA
Commission Expires June 13, 2006

day of July 20, 2004

Dretta K Andrews

Page	Line	Excluded	Not	Comments
109	25	ant	dent	misspell
119	25	Diet pills	Psych Med	misspell Taken out of content.
122	9	\$ 12.00	\$ = 2000	wrong number.
123	18	but she when	He when	proper pronouns.
126	22	But I recall Them	I don't Recall	Never Recall Any addresses
127	10	Cesser drug	other Drug	Misspell Taken on of content.
127	12	AT That Time, I, felt That I	I Request To call my Attorney.	Taken out of content. as if I never request counsel Before.

Tyone James
EX 9451